

FILED

CAUSE NO. A-1400

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Ann C. Obermiller, on March 22, 2000. A copy of

the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Neb.Rev.Stat. §44-4028(5) and (11) as a result of the following conduct:

- a. On or about August 5, 1998, Respondent submitted a completed application to Continental Western Insurance Company requesting automobile insurance coverage for James and Brenda Shotkoski. A personal check from the account of James and Brenda Shotkoski was included with the applicable for insurance
- b. On or about August 20, 1998, Continental Western Insurance Company sent Respondent notification that coverage for Mr. and Mrs. Shotkoski was denied. A check was returned to Respondent made out to James and Brenda Shotkoski representing a refund on insured's deposit.
- c. On or about September 19, 1998, Brenda Shotkoski was involved in a motor vehicle accident while driving a vehicle, a 1996 Chevrolet Corsica, that had been listed on the previous application for insurance to Continental Western Insurance Company.
- d. On or about September 23, 1998, the refund check from Continental Western Insurance Company was deposited into the bank account of Respondent's insurance agency showing the endorsements of James and Brenda Shotkoski. Both Mr. and Mrs. Shotkoski deny receiving or endorsing the check.
- e. On or about September 24, 1998, Farm and City Insurance Company received an insurance application from Respondent for James and Brenda Shotkoski requesting automobile coverage for a 1996 Chevrolet Corsica. The application is dated September 15, 1998 and purported to be signed by Brenda Shotkoski with the policy period beginning on September 16, 1998. A check from Respondent's insurance agency was enclosed with the application dated September 16, 1998.
- f. Mrs. Shotkoski denied signing the application to Farm and City Insurance Company.
- g. Respondent admits signing the name Brenda Shotkoski on the application to Farm and City Insurance Company.
- h. On or about September 24, 1998, Farm and City Insurance Company received, via facsimile dated September 22, 1998, an Automobile Loss

Notice regarding Mrs. Shotkoski's accident with the 1996 Chevrolet Corsica on September 19, 1998.

- i. On or about August 12, 1999, Charles P. Starr, Investigator with the Nebraska Insurance Fraud Protection Division, removed the typewriter ribbon from Respondent's insurance agency and transcribed portions of the ribbon. Investigator Starr concluded that the check mailed to Farm and City Insurance Company was typed between September 21, 1998 and September 22, 1998.
- j. Respondent's conduct demonstrates a lack of trustworthiness and competency to transact business in such a manner as to safeguard the public.

3. The Respondent was informed of her right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent neither admits nor denies the allegations contained in the Petition and restated in items "a" through "i" of Paragraph #2 above. Respondent denies the allegation contained in the Petition and restated in item "j" of Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028(5) and (11).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Ann C. Obermiller, that Respondent's Nebraska insurance agent's license be hereby revoked. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be

necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

L.B. D

Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

4/20/00
Date

Ann C Obermiller
Respondent

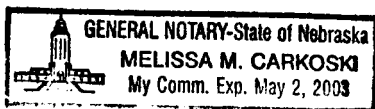
5-1-00
Date

Robert A. Burt
Attorney for Respondent

5-2-2000
Date

State of Nebraska)
) ss.
County of Sherman)

On this 1 day of May, 2000, Ann C. Obermiller personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.



Melissa M Carkoski
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Ann C. Obermiller, Cause No. A-1400.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

5/3/00

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent through Respondent's attorney, Robert F. Bartle, at 1141 H Street, PO Box 83104, Lincoln, Nebraska 68501-3104 by certified mail, return receipt requested on this 3rd day of May, 2000.

